

# In the United States Court of Federal Claims

## OFFICE OF SPECIAL MASTERS

No. 19-0401V

UNPUBLISHED

KATY PARROTT,

Petitioner,

v.

SECRETARY OF HEALTH AND  
HUMAN SERVICES,

Respondent.

Chief Special Master Corcoran

Filed: March 13, 2023

Special Processing Unit (SPU);  
Damages Decision Based on Proffer;  
Influenza (Flu) Vaccine; Guillain-  
Barre Syndrome (GBS)

*Brian Robert Arnold, Brian R. Arnold & Associates, Richardson, TX, for Petitioner.*

*Alex Saxe, U.S. Department of Justice, Washington, DC, for Respondent.*

### **DECISION AWARDING DAMAGES<sup>1</sup>**

On March 15, 2019, petitioner filed a petition for compensation under the National Vaccine Injury Compensation Program, 42 U.S.C. §300aa-10, *et seq.*,<sup>2</sup> (the “Vaccine Act”). Petitioner alleges that the influenza (“flu”) vaccine that she received on November 10, 2010, caused her to suffer from Guillian-Barré Syndrome (“GBS”). Petition at ¶¶ IV, V.<sup>3</sup> The case was assigned to the Special Processing Unit of the Office of Special Masters.

On July 24, 2019, a ruling on entitlement was issued, finding Petitioner entitled to compensation for her GBS. On March 13, 2023, Respondent filed a proffer on award of

<sup>1</sup> Because this unpublished Decision contains a reasoned explanation for the action in this case, I am required to post it on the United States Court of Federal Claims' website in accordance with the E-Government Act of 2002. 44 U.S.C. § 3501 note (2012) (Federal Management and Promotion of Electronic Government Services). **This means the Decision will be available to anyone with access to the internet.** In accordance with Vaccine Rule 18(b), Petitioner has 14 days to identify and move to redact medical or other information, the disclosure of which would constitute an unwarranted invasion of privacy. If, upon review, I agree that the identified material fits within this definition, I will redact such material from public access.

<sup>2</sup> National Childhood Vaccine Injury Act of 1986, Pub. L. No. 99-660, 100 Stat. 3755. Hereinafter, for ease of citation, all section references to the Vaccine Act will be to the pertinent subparagraph of 42 U.S.C. § 300aa (2012).

<sup>3</sup> The petition contains a typographical error as to the date of vaccination. Compare Petition ¶ IV with ¶ V. The medical records confirm that Petitioner received the vaccination on November 10, 2010. Exhibit 3.

compensation (“Proffer”) indicating Petitioner should be awarded \$90,957.51, representing compensation in the amounts of \$90,000.00 for pain and suffering and \$957.51 for out-of-pocket expenses. Proffer at 1. In the Proffer, Respondent represented that Petitioner agrees with the proffered award. *Id.* at 2. Based on the record as a whole, I find that Petitioner is entitled to an award as stated in the Proffer.

Pursuant to the terms stated in the attached Proffer, **I award Petitioner a lump sum payment of \$90,957.51, representing compensation in the amounts of \$90,000.00 for pain and suffering and \$957.51 for unreimbursable expenses in the form of a check payable to Petitioner.** This amount represents compensation for all damages that would be available under Section 15(a).

The Clerk of Court is directed to enter judgment in accordance with this decision.<sup>4</sup>

**IT IS SO ORDERED.**

**s/Brian H. Corcoran**

Brian H. Corcoran

Chief Special Master

---

<sup>4</sup> Pursuant to Vaccine Rule 11(a), entry of judgment can be expedited by the parties’ joint filing of notice renouncing the right to seek review.

	)	
KATY PARROTT,	)	
	)	
Petitioner,	)	
	)	No. 19-401V
v.	)	Chief Special Master Corcoran
	)	ECF
SECRETARY OF HEALTH AND HUMAN	)	
SERVICES,	)	
	)	
Respondent.	)	
	)	

## I. Procedural History

## II. Items of Compensation

Based upon the evidence of record, respondent proffers that petitioner should be awarded a lump sum of **\$90,957.51**, for all damages, including \$90,000.00 representative of pain and suffering, and \$957.51 representative of out-of-pocket medical and related expenses. This

amount represents all elements of compensation to which petitioner is entitled under 42 U.S.C. § 300aa-15(a). Petitioner agrees.

### **III. Form of the Award**

Petitioner is a competent adult. Evidence of guardianship is not required in this case. Respondent recommends that the compensation provided to petitioner be made through a lump sum payment of **\$90,957.51**, in the form of a check payable to petitioner.<sup>1</sup> Petitioner agrees.

Respectfully submitted,

BRIAN M. BOYNTON  
Principal Deputy Assistant Attorney General

C. SALVATORE D’ALESSIO  
Director  
Torts Branch, Civil Division

HEATHER L. PEARLMAN  
Deputy Director  
Torts Branch, Civil Division

LARA A. ENGLUND  
Assistant Director  
Torts Branch, Civil Division

/s/ Alec Saxe  
ALEC SAXE  
Trial Attorney  
Torts Branch, Civil Division  
U.S. Department of Justice  
P.O. Box 146  
Benjamin Franklin Station  
Washington, D.C. 20044-0146  
Tel: (202) 353-7722  
E-mail: alec.saxe@usdoj.gov

Date: March 13, 2023

---

<sup>1</sup> Should petitioner die prior to entry of judgment, respondent would oppose any award for future medical expenses, future lost earnings, and future pain and suffering, and the parties reserve the right to move the Court for appropriate relief.